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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/573,916

03/30/2006

Sang Woo Woo

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EXAMINER

HICKS, ROBERT J

ART UNIT

PAPER NUMBER

3781

MAIL DATE

DELIVERY MODE

02/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/573,916	Applicant(s) WOO, SANG WOO	
	Examiner ROBERT J. HICKS	Art Unit 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/30/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Claim Rejections - 35 USC § 102

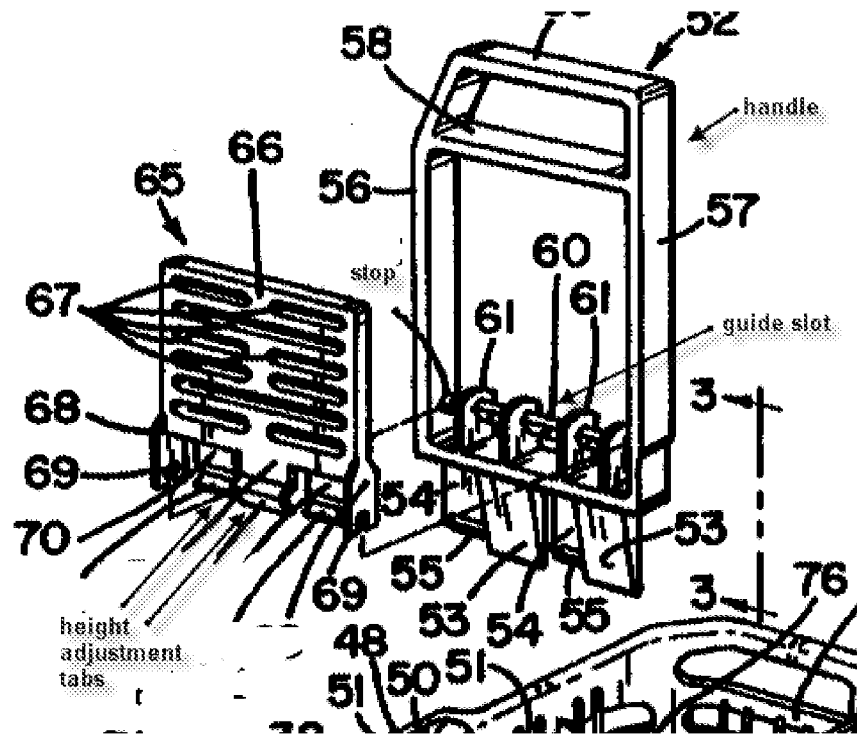
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Stottmann et al. (5,431,294) [hereinafter Stottmann].**

4. Regarding Claims 1 and 14, the patent to Stottmann – a flatware basket for a dishwasher – discloses a spoon basket of a dishwasher (10), comprising: a basket (30) for storing silverware (Abstract Lines 1-2); a cap (65) for moving upwards and downwards above the basket (Fig. 2, Col. 4 Lines 28-32) and supporting silverware (Col. 4 Lines 52-57); and a basket handle (52) extending a predetermined length from the basket for supporting the cap (Fig. 2, Col. 4 Lines 28-41).



5. Regarding Claims 7-8, Stottmann discloses a spoon basket of a dishwasher (10), comprising: a basket (30); a basket handle (52) having a cap support (between 61) extending a predetermined height from the basket; a cap (65) for moving upwards and downwards along the cap support; and a height-adjusting tab (70-73) on the cap and a guide slot (between 61) formed respectively on the cap and the cap support to be mutually coupled, the height-adjusting tab and the guide slot for guiding an upward and downward movement of the cap (Fig. 2, Col. 4 Lines 28-41).

6. Regarding Claims 2 and 20, Stottmann discloses the cap is formed in a closed curvature (Fig. 2). The lower arms (Stottmann, 69) form part of the closed curvature of the cap.

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7. Regarding Claim 3, Stottmann discloses the cap includes a side concaved a predetermined distance inward for resting against a predetermined portion of the basket handle (70-73, Fig. 2, Col. 4 Lines 28-32).

8. Regarding Claim 4, Stottmann discloses a height-adjusting tab (70-73) on at least one side thereof protruding a predetermined height (Fig. 2).

9. Regarding Claim 5, Stottmann discloses another basket (31) detachably disposed on at least one side thereof (Fig. 2).

10. Regarding Claim 6, Stottmann discloses a height-adjusting tab (70-73) and a guide slot (between 61) formed respectively on the cap and the basket handle to be mutually coupled, the height-adjusting tab and the guide slot for guiding an upward and downward movement of the cap (Col. 4 Lines 32-41).

11. Regarding Claim 9, Stottmann discloses the guide slot is formed of a predetermined width and length in a longitudinal direction of the cap support (Fig. 2).

12. Regarding Claim 10, Stottmann discloses a concaved central portion defining the guide slot (Fig. 2).

13. Regarding Claim 11, Stottmann discloses a stop (62) formed therein for stopping the upward and downward movement of the cap (Fig. 2).

14. Regarding Claim 12, Stottmann discloses the stop protrudes a predetermined distance from an extremity of the cap support forming the guide slot (Fig. 2).

15. Regarding Claim 13, Stottmann discloses the stop is formed at an upper portion of the guide slot (Fig. 2).

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16. Regarding Claim 15, Stottmann discloses the cap is spaced a predetermined distance from the basket (65, Fig. 2).

17. Regarding Claim 16, Stottmann discloses the cap is movable (Col. 4 Lines 32-37).

18. Regarding Claim 17, Stottmann discloses the basket handle (52) guides a movement of the cap (65, Col. 4 Lines 28-37).

19. Regarding Claim 18, Stottmann discloses the cap and the basket handle include an uneven portion formed thereon (70-73, and 60-62) for providing coupling therebetween to guide a movement of the cap (Col. 4 Lines 28-37).

20. Regarding Claim 19, Stottmann discloses a stop (62) formed therein for stopping the upward and downward movement of the cap (Fig. 2).

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: refer to PTO-892 Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. HICKS whose telephone number is (571)270-1893. The examiner can normally be reached on Monday-Friday, 8:30 AM - 5:00 PM, EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert J Hicks/
Examiner, Art Unit 3781

/Anthony D Stashick/
Supervisory Patent Examiner, Art
Unit 3781